

App. No. 09/890055
Office Action Dated March 14, 2005

REMARKS

Reconsideration is respectfully requested in view of the above amendments and following remarks. Previously withdrawn claims 14 and 15 have been canceled without prejudice or disclaimer. No new matter has been added. Claims 8-13 are pending.

Claim rejections - 35 U.S.C. § 102

Claims 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Wayne (US 3,519,431). Applicants respectfully traverse the rejection.

Claim 8 is directed to a device for a thermal treatment of flour for hygienic purposes. The heatable mixer is a batch mixer, which is connected to a dryer/cooler. The dryer/cooler is connected by a valve system to a second batch mixer, which has devices for adding additives.

The Office Action asserts Wayne discloses the heatable mixer (including A and optionally D and E) is connected to a dryer/cooler (L) and the dryer/cooler is connected by a valve system (43) to a second batch mixer (M) that has devices for adding additives. Applicants respectfully disagree with the above assertion for the following reasons.

As previously presented, Wayne teaches a mixing apparatus A where grain is mixed with an agent. The grain from the mixing apparatus A moves to a holding tank D. The grain from holding tank D is delivered to a solvent extractive milling machine E. The milled grain is discharged to vibratory or reel-type screen J for further washing with solvent. The solvent-wet grain is discharged from J to desolventizer L. The solvent-wet grain moves from L to a second stage desolventizing and deodorizing drum M where the remaining traces of solvent are removed. In addition, steam is added to the desolventizer L and the second stage desolventizer/deodorizer M (Figure 1).

The main purpose of mixer A is bran/shell softening, being a pretaction for milling or hulling. Therefore the grains are mixed with an agent, which is delivered into the mixer A from holding tank B, with the agent being maintained in the final product. D is a holding bin for

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uniform moistening of the shells/bran and E is a solvent extractive milling machine, comprising wet milling E2 and a washing section. There is no teaching or suggestion by Wayne to remove the storage tank B delivering the bran-coat softening agent into mixer A or to remove the holding bin D or to remove the solvent extractive milling machine E. Thus, Wayne fails to teach or suggest a heatable mixer that is a batch mixer connected to a dryer/cooler, as recited by claim 1.

Furthermore, the solvent extractive milling machine E is followed by several conveying elements, chute 41 and screen J in which the product is segregated into different fractions. Wayne fails to teach or suggest removal of the elements between the mixer A and the desolventizer L. Therefore, Wayne fails to teach or suggest a heatable mixer that is a batch mixer connected to a dryer/cooler, as recited by claim 1.

Nonetheless, Wayne teaches L is a desolventizer for removing solvent from the solvent-wet grain, which is not similar to cooling/drying equipment recited by claim 1. Furthermore, Wayne teaches steam, i.e. vaporized water, is delivered to the desolventizer L (Figure 1). As such, steam would not be considered either hot or cool air for drying the product or a way to cool down heated grains or flour. Consequently, Wayne fails to teach or suggest cooling/drying equipment recited by claim 1.

Additionally, Wayne teaches M is a second desolventizer/deodorizer for removing the remaining solvent from the grains, which not the same as a second batch mixer that has devices for adding additives, as recited by claim 1. Thus, Wayne teaches removal of solvent and not adding of additives. Therefore, Wayne fails to teach or suggest a second batch mixer that has devices for adding additives, as recited by claim 1.

Furthermore, the device taught by Wayne teaches the preparation of the grain prior to grinding the grain into flour. Wayne is silent as to what further processing takes place after the grains have been pulverized to produce flour. Thus, Wayne fails to teach or suggest a device for a thermal treatment of flour for hygienic purposes.

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For at least the reasons presented above, Wayne fails to anticipate or render the features of claim 8 obvious. Withdrawal of the rejection is respectfully requested.

Claims 9-13 depend either directly or indirectly from claim 8. For the reasons discussed above for claim 8, withdrawal of the rejection is respectfully requested.


In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions or concerns regarding this communication can be directed to the attorney-of-record, John J. Gresens, Reg. No. 33,112, at (612)371.5265.

Respectfully submitted,

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Dated: May 19, 2005

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